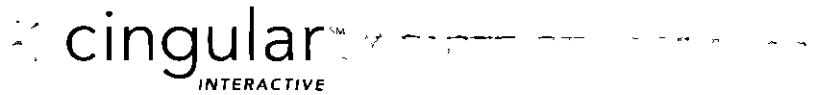


ORIGINAL



Ben G. Almond • Vice President - Regulatory Affairs • phone 202 419 3020 • fax 202 419 3047

November 25, 2003

RECEIVED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

NOV 25 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Wireless Local Number Portability (WLNP)
CC Docket No. 95-116, EX PARTE

Dear Ms. Dortch,

Attached is a copy of an email forwarded from the undersigned on November 21, 2003 to John Muleta, Chief-Wireless Telecommunications Bureau concerning the referenced subject.

The text of the email is self-explanatory and specifically addresses the need of a "safe harbor" list of rate centers associated with the Largest 100 MSA markets for the purposes of meeting LNP obligations effective November 24, 2003.

Please associate this notification and accompanying documentation with the referenced docket proceeding.

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

Ben G. Almond
Vice President-Federal Regulatory Affairs

cc: John Muleta
Scott Delacourt
Jared Carlson

OT/

Almond, Ben G.

From: Almond, Ben G
Sent: Friday, November 21, 2003 1:57 PM
To: 'John Muleta@fcc.gov'
Subject: Rate Centers For Largest 100MSAs

ORIGINAL

John,

First of all, thanks for picking up my call the other day on such short notice. This email represents a quick follow-up to our discussion which centers on the need of a "safe harbor" list of rate centers associated with the Largest 100 MSA markets for LNP. As discussed with you, carriers are using different lists in terms of the specific rate centers and/or county areas associated with the Largest 100 MSAs for the purpose of meeting the FCC's porting requirements beginning November 24. This will undoubtedly be a source of continual disputes for carriers and customers in terms of the geographic areas eligible for porting in accordance with the FCC's rules on wireless to wireless porting and wireline to wireless porting, unless the FCC provides clear guidance.

You subsequently indicated to me via voice-mail message that the Fourth Report and Order lists the Largest 100 MSAs and that I should contact and work with Jared Carlson concerning the appropriate list of rate centers that carriers should associate with these markets for LNP.

Shortly thereafter, I spoke on separate occasions with Scott Delacourt and Jared Carlson who both acknowledged that the nature of this problem poses risks for generating both carrier-to-carrier and consumer-to-carrier complaints. This issue has also been discussed at CTIA. As a result of these discussions, CTIA asked NeuStar, as pooling administrator, to provide a list of rate centers currently being used for pooling and publish it on the NeuStar website. NeuStar provided this list to CTIA and indicated that the list was defined based on the FCC's Fourth NRO Order and was based on 1990 and 2000 Census Bureau information. According to NeuStar, based on the FCC's direction, the NeuStar list does not include any post 2000 Census updates by other parties. For instance, there are various updates to this data compiled by other parties such as the Office of Management and Budget. Some carriers may have chosen to use this information which could result in additional rate centers and consequently expanded coverage areas in the Largest 100 MSA markets over and above the rate center areas listed by NeuStar.

I spoke with Jared Carlson yesterday. He said that the staff had contacted NeuStar. He basically confirmed that NeuStar's position is the same as outlined above. He also said that he had checked with the front office of the Bureau and that Cingular will not "be in trouble" for using NeuStar's list of rate centers for LNP on November 24. Finally he stated that the FCC's web site will be updated to list counties associated with the Largest 100 MSA markets for LNP based on the Year 2000 Census data. I understand that this information is now available on the FCC's web site.

John, if you have any major concerns with the information discussed/recalled above, please contact me at your earliest convenience.

On behalf of Cingular, I express appreciation for the quick and expedited actions/responses that you and your staff have demonstrated for pursuing resolution of this matter.

Ben Almond
Cingular Wireless
202-419-3020
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1/24/2003